

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT D. PRESS, :  
: Plaintiff, :  
: : 21 Civ. 10971 (VM)  
- against - : **ORDER**  
: :  
PATRICK J. PRIMAVERA, :  
: Defendant. :  
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**VICTOR MARRERO, United States District Judge.**

On January 24, 2022, and consistent with the Court's Individual Practices, counsel for defendant Patrick J. Primavera ("Primavera") sent counsel for Robert D. Press ("Press") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Press filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 13.) On January 31, 2022, also consistent with the Court's Individual Practices, counsel for Press sent a three-page letter in response, opposing the grounds that Primavera stated in favor of the proposed motion. (See Dkt. No. 14.) On February 7, 2022, the Court received a letter from Primavera requesting a premotion conference and asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 15.)

Upon review of all premotion letters, this Court issued an order deeming the parties' pre-motion letters as a motion to dismiss. (See Dkt. No. 16.) Following clarification from the Second Circuit in GEICO

v. Grossman, No. 21-2789, 2022 WL 1656593, at \*4 (2d Cir. May 25, 2022), and in accordance with this Court's Individual Practices and Rule 7.1 of the Court's Local Rules, Primavera may file a motion to dismiss which shall not exceed three pages in length (single spaced, twelve-point font), unless, upon a party's request, the Court authorizes a larger number. The substance of such motion may not deviate materially from the basis for dismissal that Primavera stated in his initial premotion letter. In response, within seven (7) days of the filing of Primavera's motion, Press may file his opposition, which may similarly not exceed three pages (single spaced, twelve-point font), opposing the motion. Primavera may file a three-page reply within seven (7) days of the filing of Press's response.

**SO ORDERED.**

Dated: New York, New York  
June 24, 2022



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Victor Marrero  
U.S.D.J.